

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

United States of America)	
)	Cr. No. 8:07-553-HMH
vs.)	
)	OPINION AND ORDER
Dontarious Rodrqious Sullivan,)	
)	
Movant.)	

This matter is before the court on Dontarious Rodrqious Sullivan’s (“Sullivan”) motion pursuant to 28 U.S.C. § 2255.

On March 14, 2008, the court summarily dismissed a previous § 2255 motion filed by Sullivan on March 13, 2008. In the instant motion filed on April 19, 2008,¹ Sullivan asserts the same claims he asserted in his March 13, 2008, motion.

“[A] prisoner seeking to file a successive [§ 2255 motion] in the district court must first obtain authorization from the appropriate court of appeals.” United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). Otherwise, “[i]n the absence of pre-filing authorization, the district court lacks jurisdiction to consider [a successive § 2255 motion] containing abusive or repetitive claims.” Id. Because Sullivan has previously filed a § 2255 motion that was adjudicated on the merits, the instant motion is successive. As Sullivan failed to obtain pre-filing authorization, the court lacks jurisdiction over this successive § 2255 motion, and Sullivan’s motion is dismissed. See id.

¹ See Houston v. Lack, 487 U.S. 266 (1988).

Therefore, it is

ORDERED that Sullivan's § 2255 motion is dismissed.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
April 22, 2008

NOTICE OF RIGHT TO APPEAL

The movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.